

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 372

To amend the Immigration and Nationality Act regarding public charge status of aliens and the financial responsibility of sponsors.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. STUMP (for himself and Mr. CALLAHAN) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act regarding public charge status of aliens and the financial responsibility of sponsors.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Immigrant Financial  
5       Responsibility and Sponsorship Act of 1995”.

6       **SEC 2. PUBLIC CHARGE DEFINED.**

7       Section 212(a)(4) of the Immigration and Nationality  
8       Act (8 U.S.C. 1182(a)(4)), is amended to read as follows:

1           “(4) PUBLIC CHARGE.—Any alien who cannot  
2       demonstrate to the consular officer at the time of  
3       application for a visa, or to the Attorney General at  
4       the time of application for admission or adjustment  
5       of status, that, taking into account the alien’s age  
6       and medical condition, he or she has assets, edu-  
7       cation, skills, or a combination thereof that make it  
8       very unlikely that he or she will become eligible for  
9       means-tested public assistance of any kind (includ-  
10      ing, but not limited to, medical care or food and  
11      housing assistance) or will otherwise become a public  
12      charge is excludable.”.

13   **SEC. 3. GUARANTEE OF FINANCIAL RESPONSIBILITY.**

14       Section 213 of the Immigration and Nationality Act  
15   (8 U.S.C. 1183) is amended to read as follows:

16       “FINANCIAL RESPONSIBILITY OF SPONSORS.

17       “SEC. 213. (a) An alien excludable under section  
18   212(a)(4) may, if otherwise admissible, be admitted in the  
19   discretion of the Attorney General upon the giving of a  
20   suitable and proper bond and a guarantee of financial re-  
21   sponsibility by an individual (hereinafter in this section  
22   referred to as the alien’s ‘sponsor’) who is not less than  
23   21 nor more than 60 years of age, is of good moral char-  
24   acter and sound health, has never been convicted of a fel-  
25   ony, has never filed for bankruptcy or been adjudicated

1 a bankrupt, and is a citizen of the United States or an  
2 alien lawfully admitted for permanent residence.

3 “(b) A guarantee of financial responsibility under  
4 subsection (a) shall provide (1) that the sponsor, and the  
5 sponsor’s spouse if the sponsor is married, agree in the  
6 case of an alien under 21 years of age, to assume legal  
7 custody for the alien after the alien’s departure to the  
8 United States and until the alien becomes 21 years of age,  
9 in accordance with the law of the State where the sponsor  
10 resides, and (2) that the sponsor agrees to furnish, during  
11 the period beginning on the date of the alien’s acquiring  
12 the status of an alien lawfully admitted for permanent res-  
13 idence and ending on the date of death of the alien or  
14 the sponsor, whichever period is longer, such financial sup-  
15 port as is necessary to prevent the alien’s becoming a pub-  
16 lic charge.

17 “(c) A guarantee of financial responsibility under  
18 subsection (a) may be enforced with respect to an alien  
19 by a civil suit against the alien’s sponsor by the Attorney  
20 General or by any Federal or State agency that has di-  
21 rectly or indirectly provided the alien means-tested public  
22 assistance of any kind, including but not limited to medi-  
23 cal, food, and housing assistance.

24 “(d) Civil suits under subsection (c) shall be brought  
25 in the United States district court for the district in which

1 the defendant resides and may be brought at any time on  
2 or before the date that is 5 years after the date on which  
3 the sponsor's period of financial responsibility under sub-  
4 section (b) expired.

5       “(e) The bond required of an alien's sponsor under  
6 subsection (a) shall be in favor of Federal, State, and local  
7 governments of the United States and shall hold such gov-  
8 ernments harmless against the alien's becoming a public  
9 charge. The bond shall be in such amount and for such  
10 period and shall contain such conditions as the Attorney  
11 General shall in the sole discretion of the Attorney General  
12 determine is adequate to protect the Federal, State, and  
13 local governments of the United States from the costs of  
14 providing means-tested public assistance to the alien in  
15 the event the alien's sponsor fails to satisfy the sponsor's  
16 financial responsibilities under this section. The bond shall  
17 terminate upon the alien's permanent departure from the  
18 United States or the death of the alien, and any sums  
19 or other security held to secure performance thereof, ex-  
20 cept to the extent forfeited for violation of the terms there-  
21 of, shall be returned to the sponsor, or to a legal rep-  
22 resentative.”.

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